

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29082 of 2025

Arising Out of PS. Case No.-347 Year-2024 Thana- SANGRAMPUR District- East
Champaran

Pradeep Mukhiya, S/o Shree Mukhiya, R/o Vill.- Sangrampur Bintoli, P.S.-
Sangrampur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mr. Shivam Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sangrampur P.S. Case No. 347 of 2024 registered for the offences punishable under Sections 30(a), 32, 41(i) of the Bihar Prohibition and Excise (Amendment) Act.

3. The allegation against the petitioner is of engaged in trade and manufacturing of illicit liquor; the police conducted raid at *Sangrampur Gandak Diyara*. However, noticing the police party two persons, who were present there, succeeded in fleeing away. In course of search, 1000 litres of solution (*Mitha Ghol*) along with 16 litres of country made *Chulai* liquor were recovered. The police dismantle the illicit liquor “*Bhathi*” and destroyed the solution.



4. Learned Advocate for the petitioner contended that save and except the disclosure made by the local *Chaukidar*, there is no material suggesting the complicity of the petitioner in the crime. In fact, the reason for false implication of the petitioner is his past criminal antecedent of identical nature, as has been disclosed in para. 3 of the bail application. The very identification of the petitioner by the local *Chaukidar* also does not inspire confidence; all the more, the witnesses are non-else but the police Chaukidar. There are various other infirmities in the search and seizure, coupled with non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is lastly contended that the petitioner has neither any concern with the recovered illicit liquor nor with the solution of *Mitha* and *Bhathi*.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying four criminal antecedent of identical nature on his head, which itself speaks loud about his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the local *Chaukidar*, there are no substantive materials suggesting the complicity of the petitioner



in the crime, coupled with the infirmities in the search and seizure and also the lack of ingredients provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 347 of 2024, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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